

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NETWORK APPLIANCE INC,

No. C-07-06053 (EDL)

Plaintiff,

**CASE MANAGEMENT ORDER**

v.

SUN MICROSYSTEMS INC,

Defendant.

The Court held a case management conference in the above captioned case on June 4, 2008.

As discussed at that conference, it is hereby ORDERED that:

1. The parties shall further meet and confer regarding the patent terms to be construed at the upcoming claim construction hearing. The parties shall jointly provide the Court with a list of no more than 20 proposed terms for claim construction. The parties shall prepare a chart for these claim terms that identifies the term to be construed, along with a statement of why these terms need to be construed, including a statement of which party (or both) would be seeking summary judgment on the basis of that term and why, and how such terms relate to claims or defenses that will be presented at trial. The parties shall also disclose any collateral reasons that they seek construction of such terms, such as ensuring that a party's future products will be safely outside the scope of an asserted patent. The Court will then examine the list of patents and determine the number of claim terms it will construe. The parties shall provide this chart to the Court no later than **June 16, 2008 at 11:00 a.m.**

2. As for Sun's subpoena issued to Orrick, Herrington & Sutcliffe, Weil, Gotschal, and Manges shall complete its privilege review of those documents no later than June 11, 2008.

Confidential documents must be produced pursuant to the protective order. Only privileged or work

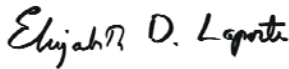
product documents may be withheld on the basis of privilege.

3. The parties shall file a joint status report no later than June 11, 2008 describing the extent to which the rolling document production is complete, for which custodians it is complete, the extent to which it is not complete, and when completion is expected.

4. For all future joint filings in this case, unless otherwise specified by the Court, the parties shall file those no later than 6:00 p.m. on the date that the joint filings are due.

**IT IS SO ORDERED.**

Dated: June 5, 2008

  
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ELIZABETH D. LAPORTE  
United States Magistrate Judge